

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES D. SHAVERS, : CIVIL ACTION
v. :
: No. 08-2951
JAMIE A. DENCH, et al. :
:

ORDER

AND NOW, this 2nd day of October, 2008, upon consideration of the Petition for Writ of Habeas Corpus, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. This Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, is TRANSFERRED to the United States District Court for the Middle District of Pennsylvania, in accordance with 28 U.S.C. § 2241(d);
3. Based upon the Magistrate Judge's determination that the within petition should be transferred to another venue, Petitioner has failed to show a denial of any constitutional right, thus, a certificate of appealability shall not be issued; and
4. If in its possession, the Clerk of Court shall transmit the original record to the United States District Court for the Middle District of Pennsylvania.

IT IS SO ORDERED.

BY THE COURT:

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JUAN R. SANCHEZ, J.